

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Sergio Garcia,

Civ. No. 23-169 (JWB/ECW)

Petitioner,

v.

B. Eischen,
FPC-Duluth Warden,

**ORDER ACCEPTING
REPORT AND
RECOMMENDATION OF
MAGISTRATE JUDGE**

Respondent.

The above matter is before the Court on the Report and Recommendation (“R&R”) of United States Magistrate Judge Elizabeth Cowan Wright dated April 14, 2023. (Doc. No. 27.) No objections have been filed to that R&R in the time permitted. In the absence of timely objections, the Court reviews an R&R for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996). Having reviewed the R&R, the Court finds no clear error. Petitioner Sergio Garcia’s habeas corpus petition will therefore be denied.¹

Based on the R&R of the Magistrate Judge, and on all of the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The April 14, 2023 Report and Recommendation (Doc. No. 11) is **ACCEPTED**;
2. Petitioner Sergio Garcia’s Petition for Writ of Habeas Corpus under

¹ This Order does not address Petitioner’s civil rights action, which is based on the same circumstances. *See Garcia v. Eischen et al.*, 23-cv-00261 (JWB/ECW).

28 U.S.C. § 2241 (Doc. No. 1) is **DENIED**;

3. Petitioner Sergio Garcia's Motion for Injunction or Other Relief (Doc. No. 10) is **DENIED as moot**;

4. Petitioner Sergio Garcia's Motion for Summary Judgment (Doc. No. 22) is **DENIED as moot**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: May 11, 2023

s/ Jerry W. Blackwell
JERRY W. BLACKWELL
United States District Judge